



MINUTES

BOARD OF SELECTMEN

IN BOARD OF SELECTMEN

11/08/2011

6th FLOOR HEARING ROOM

Present: Chairman Betsy DeWitt, Selectman Nancy Daly,
Selectman Jesse Mermell, Selectman Richard Benka,
Selectman Kenneth Goldstein

LITIGATION

Town Counsel Jennifer Dopazo will appear to discuss strategy with respect to potential/threatened litigation.

COLLECTIVE BARGAINING

Labor Counsel Liz Valerio will appear to discuss strategy relative to collective bargaining negotiations.

ANNOUNCEMENTS

[Selectmen to announce recent and/or upcoming Events of Community Interest.](#)

Chief Green was thanked for all he has done and Chief of operation Michael O'Reilly retirement steady presence in the fire dept.

Veterans Day event on November 11th.

Thanked Brian Cloonan for years of excellent management in Brookline's largest affordable housing development. Many years of dedication and has always been a good partner with the Town.

SELECTMEN UPDATES

[Reports by individual Selectmen on activities related to carrying out the responsibilities of the Board.](#)

Unsung heroes award honored lacrosse program brought along and Frank Cara for Brookline's been a program for Brookline Seniors

PUBLIC COMMENT

Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.

MISCELLANEOUS

Approval of miscellaneous items pg.3 #s 15-23 licenses, vouchers, and contracts.

BOARDS AND COMMISSIONS - INTERVIEWS

[The following candidates for appointment/reappointment to Boards and Commissions](#)

[will appear for interview:](#)

[Human Relations/Youth Resources](#)
[Laurie Dopkins](#)

[Conservation Commission](#)
Matthew Garvey

[Park and Recreation Commission](#)
Randolph Meiklejohn

[Solid Waste Advisory Committee](#)
John Dempsey

Laurie Dopkins has been working on the youth awards and working on expanding and also working on the Hidden Brookline Committee which has been successful. Started a program to engage residents to have a dialog with other Town agencies a recent one was with Chief O'Leary, to make the police dept more transparent within the community. She would like to continue working on these issues. She also works as a liason with Northeastern University her background is in Public Administration and urban studies. looking for more ways to engage.

Matthew Garvey has been working on some conservation restrictions and working on urban wildlife and habitat. Coyotes are an issue. He is into birds. The change in roofing materials has altered the habitat of the common nighthawk which used to nest in small stone roofs.

Randolph Meiklejohn is applying for Parks and Recreation. He is currently on the Conservation Commission and has worked closely and has been a participant at some of their meetings where the topics have overlapped. He has observed that their policies and procedures are well administered and

John Dempsey has enjoyed working on the SWAC and participating in their outreach activities. He enjoys representing Brookline in events outside of the community. Strong advocate that if we go with a PAYT we go with a smaller cart that will be the fairest and the incentive is to reduce the trash. It is something we can use right off the bat because the sanitation workers can lift them now.

[SOLID WASTE ADVISORY COMMITTEE](#)

[Members of the Solid Waste Advisory Committee will appear to update the Board on its work over the past year and its plans for 2011-2012.](#)

John Dempsey stated that the Town has made the effort of being under 10,000 tons which has not been since World War II. This is due to weekly conscientious efforts to recycle as much as possible were a huge factor. Weekly columns in the local paper, outreach, drop off locations for both household hazardous waste and textiles have been implemented throughout town. Solid waste is down an average of 8% month by month, and recycling is up. There has been a savings of \$180k within the DPW trash collection budget. SWAC appreciates the support for the single stream recycling which has been a success in increasing recycling. Future projects include updated website and to continue to demonstrate that there is value in diverting food, and to advocate for PAYT. They would like the Town to pass a zero waste resolution to reduce the amount of trash that we are sending down to the incinerator to zero by 2025. He urges the Town to educate themselves on a PAYT system and a zero waste goal.

[RESERVE FUND TRANSFER](#)

[Question of approving and transmitting to the Advisory Committee the request of Public Works Commissioner Andrew Pappastergion for a Reserve Fund Transfer in the amount of \\$226,403 for costs associated with emergency response actions taken as a result of Hurricane/Tropical Storm Irene.](#)

Commissioner Papperstergion stated that the tropical storm on August 28th required alot of emergency reposnse and tree reomal, debris cleanup. This work continues and they have exhausted all thier funds to pay for it. The contractalial services, tree removals, overtime, and polcie details have reached \$226k. He estimates that \$215k will be reimbursable by FEMA. Certain protocol was taken due to the Asian Longhorn Beetle which includes chipping the limbs before they are hauled away. Reiumbursement from FEMA is difficult to put a time one.

Voted to approve Question of approving and transmitting to the Advisory Committee the request of Public Works Commissioner Andrew Pappastergion for a Reserve Fund Transfer in the amount of \$226,403 for costs associated with emergency response actions taken as a result of Hurricane/Tropical Storm Irene.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[GREEN DOG PROGRAM](#)

[Director of Parks and Open Space Erin Chute Gallentine will appear to update the Board on the Green Dog Program.](#)

Director of Parks and Open Space Erin Gallentine stated that in 2010 the Town implemented an annual fee to support the Green Dog Program. There are 14 Green Dog parks with varying hours and all have the same program rules and regulaitons. The fee structer was set at \$50 per dog for residnets, \$100 per dog for non-residents and \$100 for Brookline based Dag Walkers and \$200 for non-brookline based dog walkers. They are all an annual fee. The have hired a new Park Ranger and developed direct communication with apticipants to relay information in various ways with the partiapiants. The Town Clerks office has been working closely, on this as the licnseing agent. They have been able to establsih effective enforcement strategies, monitor, document and evaluate park conditions, assess a participants needs and usage, and evaluate and improve program and consider participant requests. The amount of registered dog lienses have grown. Surrounding communities have implemented similar programs mirroring Brooklines model. 84.5 % of Green Dog participatants have indicated that thier use of the parks enjoyment has increased. The parks and Recreation plans to continue the program with one revisoin which is extending the hours at Downes field during the winter months. Ken heard from someone that was unhappy htat Winthrop Park was closed. Erin stated that thsi was partic after the program started there was an area that was to be dedicated to smaller dogs, it became overrun and little compliance of picking up after the dogs, and there was numerous compalints from the neighbors. The Commsioon tried it evealutead it and felt that it was just not the right locations. Ken fines? Yes there have been 31 citation 15 which were actual fines. This year there has been better complaince overall than any other year. Nancy concerned about the small children and are they being redirected to othere play areas. Erin this has been happening anyway, the program allowed a more structured dog use. The playgrounds were closly looked at and the off leash times were considered by the popular times the children are using the parks. Betsy is interested in a survey to be completed by everyoe the uses the parks to see if anyone feels displaced.

[WARRANT ARTICLES](#)

[Question of voting on the following Warrant Article for the November 15, 2011 Fall Town Meeting:](#)

<u>No.</u>	<u>Title</u>
<u>2.</u>	<u>Collective Bargaining Agreements (HR)</u>

Mel there are no collective bargaining at this time.

5-0 No Action of Article 2

Voted to approve Question of voting on the following Warrant Article for the November 15, 2011 Fall Town Meeting:

<u>No.</u>	<u>Title</u>
2.	Collective Bargaining Agreements (HR)

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

WARRANT ARTICLES

Question of amending the Board's vote on the following Warrant Article for the November 15, 2011 Fall Town Meeting:

<u>No.</u>	<u>Title</u>
5.	<u>Neighborhood Conservation District (NCD) (Planning)</u>

Article 5- Sub committee made no favorable recommendation on the recently submitted revisions. Dick would like to learn what the Advisory Committee votes. Selectman Mermell would like Town Counsel's opinion. Nancy supports the language that exempts School projects. Ken supports Scott Gladstones revisions that a written report be to Town Meeting

Town Counsel stated that #2 excluding schools

Scott Gladstones amendment failed

Frank Caros amendment failed

Cliff Brown amendment failed

Nancy concerned about litigation should amendment pass. Jennifer what if TM Scott and Franks could be a review absent appoint a committee or a subcommittee could be done Cliff Brown's could have one person appealing and then all other NCD could be stopped. If something is coming up Jennifer does not think the AG would approve

In relation to the public schools even if a NCD was established a public school could go forward anyways. Jennifer should this bylaw pass without excluding schools there are state laws that gives school committees are in charge of school grounds, she would not if this came to a head with a school project the school would have that argument under a general bylaw under ed reform needs special legs. you add another hop to jump through with may or may not effect msba funding, if a NDD is proposed at the next town meeting-if the schools went through a process of an ncd there could be funding issue. another thing to consider in the scheduling and the process

Best TC opinion that school projects may be unable to be included because of reform legs. School Committee retain outside counsel how does it effect the schedule for msba funding. If you have an NCD that does not comply with MSBA standards. TMM could exclude or change the guidelines of that particular project.

Dick opposed to caro and brown amendment. Ambivalent to the three others supports scotts, even though a review of how the process is done could be done without that amendment. continuing process, ambivalent about the exclusion of schools and muni building in favor of TC and Stanley don't want a niby process, know we need schools and they already go through an extensive process tmm drives the funding of public projects. tmm will be weighing in on them anyway, this would not stop the projects. can argue tc and speigel either side don't favor but whatever the boards supports he

will. can argue either way without being unreasonable

Nancy article 5 spiegel r

FY2012 ACTION LIST

Review of the Board's FY2012 Action List.

Town Administrator Mel Kleckner presented an updated rough draft action list that eliminates those that are completed. The Board will take some time and look it over. Nancy would be happy to look into any programs that the Town could offer in preventing and/or reducing on the job injuries. The Board added job related injuries to the action list.

BOARDS AND COMMISSIONS - APPOINTMENTS

Question of making appointments to the following Boards and Commissions:

Advisory Council on Public Health

Housing Advisory Board

Voted to approve Question of making appointments to the following Boards and Commissions:

Advisory Council on Public Health
Housing Advisory Board

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

MISCELLANEOUS

Question of approving the minutes of November 1, 2011.

Voted to approve 16. Question of approving the minutes of November 1, 2011.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of accepting a Sustainable Materials Recovery Program Municipal Grant in the amount of \$7,500 from the Department of Environmental Protection to be used for a compactor for the collection and recycling of cardboard.

Ed Gilbert stated that they put into a grant because there has been a significant increase in recycling but the increase in cardboard has been a challenge with large pieces of cardboard. This grant will allow cardboard to be disposed of at centralized locations that will house the compactors.

Voted to approve 17. Question of accepting a Sustainable Materials Recovery Program Municipal Grant in the amount of \$7,500 from the Department of Environmental Protection to be used for a compactor for the collection and recycling of cardboard.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of accepting a grant for one electric vehicle charging station from Coulomb Technologies and ChargePoint America to serve a town-owned electric vehicle.

Melissa Goff stated that there are some stations in Town that will allow a station in the town garage.

Voted to approve 18. Question of accepting a grant for one electric vehicle charging station from Coulomb Technologies and ChargePoint America to serve a town-owned electric vehicle.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of executing a Sewer Bond in connection with the Financial Assistance Agreement approved and executed on November 1, 2011 in connection with Project No. WRA-P7-2-746 "Infiltration/Inflow Investigation and Sewer System Rehabilitation Design:

Voted to approve 19. Question of executing a Sewer Bond in connection with the Financial Assistance Agreement approved and executed on November 1, 2011 in connection with Project No. WRA-P7-2-746 "Infiltration/Inflow Investigation and Sewer System Rehabilitation Design:

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of awarding and executing Contract No. 12/14 "Repairing Guardrail along Newton Street" in the amount of \$19,201.50 with Commonwealth Guardrail of Westfield. Said contract to be funded from account 4911K039 6T0038.

Voted to approve 20. Question of awarding and executing Contract No. 12/14 "Repairing Guardrail along Newton Street" in the amount of \$19,201.50 with Commonwealth Guardrail of Westfield. Said contract to be funded from account 4911K039 6T0038.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

Question of approving the following Contract Amendment and Change Orders in connection with the Runkle School Renovations and Additions Project:

Contract Amendment (#12) \$ 6,200
Design Partnership of Cambridge
Abatement Measures
2594C165 524003

Change Orders #17 & 18
G&R Construction (#17) \$35,472.00
Various Plumbing & Structural Work
2594C165 6C0002

G&R Construction (#18) \$44,050.00
Various work, insulation roof, etc.
2594C165 6C0002

Nancy stated that this is in connection to found soil at the grounds and the cleanup involved. The other is for unforeseen structural steel that was omitted from the original drawings. Ken are we also going to get bills from the architect to draw in these structures, some of the items seem like they should have been included from the beginning. Dick clearly none of these items are requests for additional funds to the architect should we see them we will deal with them at that time.

There will be a meeting tomorrow to discuss the recent proposed structures.

Voted to approve 21. Question of approving the following Contract Amendment and Change Orders in connection with the Runkle School Renovations and Additions Project:

Contract Amendment (#12) nbsp; 6,200
Design Partnership of Cambridge
Abatement Measures
2594C165 524003

Change Orders #17 & 18

G&R Construction (#17) \$35,472.00
Various Plumbing & Structural Work
2594C165 6C0002

G&R Construction (#18) \$44,050.00
Various work, insulation roof, etc.
2594C165 6C0002

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of granting a temporary Wine and Malt beverages license to Wheelock College in connection with the following events to be held at 43 Hawes Street:](#)

[November 9th Alumni Reception](#)
[6pm - 8pm](#)

[November 17th Reception](#)
[6pm-8pm](#)

Voted to approve 22. Question of granting a temporary Wine and Malt beverages license to Wheelock College in connection with the following events to be held at 43 Hawes Street:

November 9th Alumni Reception
6pm - 8pm

November 17th Reception
6pm-8pm

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein

[Question of authorizing the Building Commissioner to proceed with a 5 year lease extension for the town-owned property located at 29 Avon Street with Brian and Constance Austin subject to review and approval by Town Counsel.](#)

Voted to approve 23. Question of authorizing the Building Commissioner to proceed with a 5 year lease extension for the town-owned property located at 29 Avon Street with Brian and Constance Austin subject to review and approval by Town Counsel.

Aye: Betsy DeWitt, Nancy Daly, Jesse Mermell, Richard Benka, Kenneth Goldstein